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SUBJECT: IMPLEMENTATION OF RECOMMENDATIONS ON PERSONAL
PROTECTIVE SERVICES: STATUS REPORT UPDATE #1

REF: A. BAGHDAD 03668
[B](#). BAGHDAD 03764
[C](#). BAGHDAD 03767

Classified By: Classified by: Deputy Chief of Mission Patricia A. Buten
is for reasons 1.4(b) and (d)

Summary

(C) 1. This cable provides an update (to reftel A) on Embassy Baghdad's implementation of the relevant recommendations of the Secretary's Panel on Protective Services in Iraq. It also provides an update on negotiations with MNF-I on the DOS-DOD MOA on private security company operations, GOI proposed legislation on CPA-17, and Embassy condolence payments in connection with the September 16 incident. End Summary.

Recommendation 2) DoD and DoS Discussions with GOI on New
Regulatory Framework for PPS Contractors

(C) 2. STATUS: ONGOING. During his November 12-14 visit, Acting Assistant Secretary for Diplomatic Security Gregg Starr met with several senior Government of Iraq officials to update them on the actions that the Department has taken to provide greater oversight of private security companies, and to discourage the passage of draft Iraqi legislation that would revoke immunities for PSCs. (Reftels B and C) A/S Starr met with Minister of the Interior (MOI) Jawad al-Bolani, Deputy Speaker of the Council of Representatives Khalid al-Attiah, and Minister of State for Parliamentary Affairs and Acting Minister of Justice Dr. Safa al-Safi. A/S Starr stressed the USG's willingness to work with the GOI to improve licensing and registration practices, and to help build GOI capacity to process licensing applications. A/S Starr also highlighted the connection between Iraq's need for the support of outside actors for reconstruction and economic assistance and the continued need for private security companies to provide security for these groups.

(C) 3. Dr. Safa informed A/S Starr that although the Council of Ministers had approved the draft legislation to alter CPA Order 17 and remove the immunities that private security companies presently enjoy, he had not yet submitted it to the Council of Representatives. He explained that the government wanted to delay its submission in order to give the USG an opportunity to demonstrate to the Iraqi public that it is making a concerted effort to rein in the PSCs. If the legislation does ultimately pass, the MOI proposed that a Memorandum of Understanding be developed between the Government of Iraq and the USG that would cover companies that work directly with the Embassy and MNF-I.

(C) 4. On November 20, MNF-I and RSO met with Major General Abdul Karim Khalaf, MOI Director of Operations, to discuss actions that the Embassy and MNF-I have taken to provide

greater oversight of private security companies. MG Kharim stated that he was very encouraged by the USG's actions. On November 28, DRSO and MNF-I Chief of the Contractor Policy and Oversight Division (CPOD) met with Colonel Ahmed Salih, Director of the Private Security Contractor (PSC) Registration and Assessment Division of the Ministry of Interior (MOI). Colonel Ahmad provided a list of those sections of CPA Order 17, CPA Order 3, and CPA Memorandum 17, regarding the regulation of PSCs, along with his assessment of those which were acceptable to the GOI and those which were not. Colonel Ahmed also suggested several areas where the Embassy/MNF and the GOI could work together to include audits and inspections of PSCs and investigations of PSC incidents. Colonel Ahmed also suggested liaison officers between his office and the Embassy/MNFI, and a joint operations center to monitor all PSC activities. A meeting is scheduled for December 16 at the MOI to further discuss his recommendations.

Kennedy Recommendation 5) RSO to be Provided with DS Agents Staffing to Accompany PPS Movements

(C) 5. STATUS: ONGOING/NEAR COMPLETION. DS agents now command and accompany all COM convoys in Baghdad in the Red Zone, and where possible, in the rest of Iraq. DS has advised that it plans to double the number of DS agents in Iraq to implement this requirement. In the short term, this staffing increase has been provided by TDYers and other temporary measures. The RSO submitted a request for 51 additional permanent positions to sustain the increase in the long term, and to expand RSO presence to all COM convoys in Iraq. DS, working with HR, has begun identifying new FTE positions and advertising available positions for bids. All DS agents assigned to Iraq must complete the FACT course at FSI, which

is mandatory for COM personnel, and in addition must successfully complete the DS High Threat Tactical Training Course. We are also reviewing the possible need to assign DS agents to COM convoys supported by PSDs under non-RSO contract to DOS elements (see para. 14).

Kennedy Recommendation 8) Revisions to the Embassy Rules for the Use of Force

(C) 6. STATUS: NEAR COMPLETION. RSO is reviewing the U.S. Mission Firearms Policy to implement this recommendation, which calls for greater parallelism of Embassy and U.S. CENTCOM rules on use of force, and the specification, without respect to use of force, that authorized employees must fire only aimed shots, with due regard to the safety of innocent bystanders, and make every effort to avoid civilian casualties. A comparison of Embassy Baghdad's Mission Firearms Policy (MFP) and Centcom's Rules for the Use of Force (RUF) revealed that the MFP is already the more restrictive of the two policies.

(C) 7. RSO and MNF-I have reached agreement on common principles for Rules for the Use of Force and procedures for the use of Graduated Force as part of the MOA negotiations. Corresponding adjustments to the Missions Firearms Policy will be drafted.

(C) 8. DS and RSO have identified additional non-lethal systems that can be incorporated into the graduated force (EOF) procedures. The systems identified have completed the testing and evaluation phase and are now in the procurement stage. (Note: The DS and MNF-I teams engaged in the drafting of deliverables to the MOA have settled on the term &Graduated Force8 vice &Escalation of Force8 in order to differentiate force continuum rules for PSCs tasked with defensive missions while preserving the term EOF for defining rules for military units (similar to the differentiation that has been reached in defining &Rules for the Use of Force8 versus &Rules of Engagement8) End Note).

Kennedy Recommendation 9) Video Recording equipment in Vehicles and Recording of Radio Communications

(C) 9. STATUS: ONGOING/NEAR IMPLEMENTATION. DS has identified video recording system to be installed in all PSD vehicles and is in the process of procuring the units and developing an installation plan for the RSO fleet of nearly 400 vehicles.

(C) 10. DS is working with IRM in the design of a system for recording radio communications.

(C) 11. RSO is also designing, procuring, and installing new systems in the RSO TOC which will enable greater visibility of DOD PSD movements. RSO continues to provide MNF-I with enhanced visibility on COM PSD movements by making electronic monitoring and planning data available.

Kennedy Recommendation 10) Vehicle Identification Numbering System

(C) 12. STATUS: PENDING. RSO has engaged MNF-I on this issue and reviewed the OPSEC concerns with respect to readable vehicle number signage. It is the collective assessment of the Embassy and MNF-I that a vehicle numbering system is only viable if ALL/ALL USG PSDs adopt the same numbering scheme and non-USG PSDs also agree to voluntarily adopt the same system. MNF-I is not inclined to support a numbering system solely for US Embassy Baghdad PSCs as it may offer enemy forces the ability to identify them as such and bring greater risk to COM movements. Post recommends that this recommendation be reconsidered in light of the extensive communications and de-confliction measures that have been put into effect by RSO, MNF-I, and MNC-I which are proving to be effective (this paragraph has been cleared with MNF-I STRATOPS).

Kennedy Recommendation 11) Investigations and RSO Response Unit

(C) 13. STATUS: ONGOING/NEAR COMPLETION. RSO has established a dedicated investigative response unit to immediately investigate any weapons discharges. Extensive coordination procedures have been developed with MNF-I for RSO investigators to receive security support from MNC-I to conduct on-scene investigations when warranted and as security conditions permit. RSO and MNF-I continue to actively engage with officials from the GOI Ministry of Interior and its subordinate police elements on incident

reporting and coordination measures.

(C) 14. At the direction of the COM and the Acting A/S for DS, RSO will extend investigative and incident management oversight and control over other PSCs (non-WPPS) that have either a direct or subcontracted relationship to the Embassy. RSO is working with DS to determine the resource implications with the extension RSO oversight over Tier 2 and Tier 3 DoS security contractors and request additional needed staffing.

Kennedy Recommendation 12) JOINT REVIEW BOARD

(C) 15. STATUS: COMPLETED. As part of the DOS-DOD MOA on PSCs, the Embassy and MNF-I reached agreement on the creation of a Joint Review Board (JRB) between the Embassy and MNF-I. The JRB, which will be co-chaired by the Embassy and MNF-I and can include other Embassy offices and MNF-I Major Subordinate Commands, will meet quarterly to review all USG PSC operations in Iraq, to include review of PSC incidents, regulatory issues, tactics, techniques and procedures, and make joint recommendations on PSD operations and provide guidance and direction to contract security providers.

Kennedy Recommendation 13) RSO AND MNF-I PROCEDURES FOR
COORDINATION, LIAISON and OPERATIONAL DE-CONFLICTION

(C) 16. STATUS: NEAR COMPLETION. RSO, MNF-I and MNC-I have begun developing commonly agreed operational procedures, liaison coordination and exchange of information, and a process for swift resolution of issues of mutual interest. RSO participates in the MNF-I Strategic Operations daily briefing where it presents data on planned COM protective missions for the next 24 hours. An MNC-I liaison officer (LNO) was added to the RSO TOC and has been fully integrated into the RSO TOC's operations. The LNO provides enhanced visibility to MNC-I on PSD movements outside the IZ and serves as the focal point for coordination and situation awareness between RSO and the battle space owners in the various Baghdad districts.

(C) 17. In response to a request from MNC-I for an RSO LNO at the MNC-I Joint Operations Center (JOC), RSO has requested that DS explore the best staffing mechanism for adding an RSO liaison officer at the JOC. The overall effort to enhance coordination between the Embassy and MNF-I is an ongoing process with daily collaboration between RSO, MNF-I, and MNC-I that is already achieving greatly improved exchanges of operational information and the means for swift de-confliction of serious incidents.

Kennedy Recommendation 16) GOI-US Joint Commission Working
Group on PSC Licensing and Transparency

(C) 18. STATUS: ONGOING. See recommendation two.

Kennedy Recommendation 17) Direct RSO Engagement with GOI
Police and Security Officials

(C) 19. STATUS: COMPLETED. RSO has developed direct liaison procedures with senior officials at the MOI and National and Iraqi Police for incident notification, facilitation of access to local nationals, and exchange of information. RSO and MNF-I are working jointly on matters of MOI notification and incident consequence management related to deadly force or other serious incidents involving both Embassy and MNF-I PSCs to the maximum extent possible.

Kennedy Recommendation 18) RSO Response Team Facilitation
to Embassy Claims Program

(C) 20. STATUS: COMPLETED. Revised RSO investigative response and incident management procedures provide for engagement with Iraqi Nationals (either directly or through direct liaison with MNF-I, the MOI, and/or both) to make Embassy claims forms available following an incident. As part of this process, RSO will work closely with other Embassy offices to expedite the processing of legitimate claims to the maximum extent possible. We are also working with MNF-I to standardize the respective claims programs to the extent possible.

Completion of Negotiations on the DOS-DOD MOA on PSCs

(C) 21. Embassy Baghdad and Multi-National Forces-Iraq (MNF-I) concluded discussions and jointly developed detailed deliverables to the draft Memorandum of Agreement between the

Department of State (DoS) and the Department of Defense (DoD) on USG Private Security Contractors. Chargé d'Affaires Butenis and Commanding General Petraeus were jointly briefed and approved the deliverables as written. The final MOA was forwarded to Washington on November 28, 2007. We were advised that State and Defense Deputies signed the MOA on December 5, 2007.

Condolence Payments Continue

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(C) 22. On November 18, Acting Deputy Chief of Mission, Embassy Legal Advisor, and Acting RSO made condolence payments to two Iraqis who had been injured and the brother and son of an Iraqi who was killed in the incident. All claimants accepted the payments. On November 26, Deputy Chief of Mission, Embassy Legal Advisor, and Acting RSO made condolence payments to one Iraqi who had been injured and the spouse and brother of an Iraqi who was killed in the incident. All claimants accepted the payments. More payments are planned in the near future, and the Embassy continues to reach out to the potential claimants who have not yet contacted us.

CPA 17 Draft Law

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(C) 23. There has been no significant movement on the draft law to repeal CPA Order 17. The Council of Ministers has approved the draft law, and voted to send it to the Council of Representatives, but that transmittal has not yet occurred. Once submitted, the law could pass in as little as one to two weeks under current procedures.

On 25 November 2007, Ambassador Crocker and General Petraeus sent a joint letter to PM Maliki requesting that the legislation not be passed, in view of the continued need for the immunities conferred by CPA Order 17, and the steps being taken by the Embassy and MNF-I to address Iraqi concerns over PSD operations in Iraq.

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